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C O N F I D E N T I A L SECTION 01 OF 03 RIYADH 002532

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SUBJECT: SAUDI REACTIONS TO THE QATEEF GIRL PARDON

REF: A. RIYADH 2517

[1](#)B. RIYADH 2484

Classified By: Deputy Chief of Mission Michael Gfoeller for
reason 1.4 (d)

[1](#)1. (C) SUMMARY: The Saudi Press Agency (SPA) released an official statement on December 17 that King Abdullah bin Abdul Aziz had pardoned the "Qateef Girl" and her male companion. (SPA text attached) Justice Minister Abdullah Al-Alsheikh read the statement aloud during his December 17 late night interview on Saudi TV One. The King called for further prosecution of "the accused with the most punitive sentence." In addition, the Justice Minister "denied rumors that the license of Abdulrahman al-Lahem, the lawyer who pleaded for the defendants, was withdrawn or canceled." Most Saudis, including the Qateef Girl's husband, praised King Abdullah for his "fatherly gesture." Some activists called for legal and judicial reforms, while a senior cleric and columnist maintained that the Saudi judiciary is not broken. This range of reactions explains the King's measured response, which coincided with the first day of the Hajj as millions of Muslims gathered in Mecca. It is also possible that international pressure influenced the King's decision to some degree. However, other examples of well-publicized human rights infractions, like the forced divorce cases, remain unresolved. Therefore, it appears that King Abdullah made his decision in consideration of both domestic and international factors. It is important to emphasize that the King's pardon was legally justified, yet did not rule against the judges' verdict. In the process, he managed once again to balance artfully the more religiously conservative with the more socially open-minded elements of Saudi society. END SUMMARY.

SUMMARY OF KING'S STATEMENT

[1](#)2. (U) The Saudi Press Agency (SPA) released an official statement on December 17 that King Abdullah bin Abdul Aziz had pardoned the "Qateef Girl" and her male companion. (SPA text attached) The girl and her friend were gang raped in 2006 by seven men in the Eastern Province town of Qateef. Justice Minister Abdullah Al-Alsheikh read the statement aloud during his December 17 late night interview on Saudi TV One. The King called for further prosecution of "the accused with the most punitive sentence." In addition, the Justice Minister "denied rumors that the license of Abdulrahman al-Lahem, the lawyer who pleaded for the defendants, was withdrawn or canceled." Al-Alsheikh noted during the interview that "the King is convinced and trusts that the

verdicts are just and fair."

KING'S PARDON WAS LEGALLY JUSTIFIED

13. (U) The December 19 edition of the Arab News clarified that Minister Al-Alsheikh's comment about a "tongue lashing ruling" (see attached text) referred to a "ta'azir ruling." The King was legally allowed to pardon the Qateef Girl because the court issued a "ta'azir" ruling as opposed to a "had" ruling. A "ta'azir" ruling is based on a judge or panel of judges' interpretation of shari'a that allows for greater discretion in sentencing versus a "had" ruling, which requires mandated punishments based on the Qur'an or Hadith (sayings of the Prophet). The Qateef Girl's punishment was based on the judges' interpretation of her crime of "khulwa" with her male companion or being in seclusion with a male non-relative.

HUSBAND OF QATEEF GIRL PRAISES KING ABDULLAH

14. (U) According to the December 18 edition of the Arab News, the husband of the Qateef Girl thanked King Abdullah "for his fatherly gesture" and added that the pardon "is not strange from King Abdullah who is known for his generosity to his citizens and the Islamic world." The husband added in the December 18 edition of the Saudi Gazette that his wife "was passing through tough times after the media hype of the case. But this announcement has lifted her spirit."

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SOME SAUDIS CALL FOR JUDICIAL REFORMS

15. (U) Prominent Saudi human rights activist Fouzia al-Ayouni commented in the December 18 edition of the Arab News that "the King's pardon brings some relief to women, but it doesn't clear the rape victim from being blamed...A pardon means that she did something wrong and was kindly pardoned later." Al-Ayouni called for "clear legislation that differentiates between rape and adultery." She added that "There are many other similar cases... that will (not) receive the media attention and not every woman will get a royal pardon afterward." Al-Ayouni specifically referred to the "Ahsa Girl" case in the December 18 edition of the Saudi Gazette. It is reported that a young female teacher in the Ahsa area of the Eastern Province was abducted by her driver, who took her to a group of men that gang raped her. The Ahsa Girl went to a police station and filed a case on the same day, unlike the Qateef Girl who filed a case three months after the incident.

16. (U) According to the December 18 edition of the Arab News, Riyadh lawyer Omar al-Saab said that "The King's pardon will send a strong message to judges that they are now under surveillance. People are now aware of their rights, they know they have the right to appeal and pursue their rights. Judges will now put in mind that they might face another "Al-Lahem" (the Qateef Girl's lawyer) type of lawyer who will challenge them and not take no for an answer."

17. (U) Eastern Province activist and writer Najib al-Khunaizi argued in the December 18 edition of the Arab News that "It is very crucial now more than ever to form a legal corpus that prevents differences and contradictions among similar cases that receive different verdicts from one judge to the other." He criticized the Justice Minister's description of the verdict as "just" and said that he "should have said that they would review the case against both the girl and the assailants. Until now they have not said what would happen to the rapists who are the core of the problem."

WHILE OTHER SAUDIS PRAISE THE JUDICIARY

¶8. (U) Al-Jezirah newspaper, which is based in Riyadh and reportedly close to the religious establishment, broke the story of the King's pardon on December 17. Then Al-Jezirah followed up with a December 18 interview with Sheikh Abdullah al-Mani, a member of the influential Senior Council of Ulema, who "praised the King and the fairness of the judiciary, but criticized foreign human rights organizations for their biased views."

¶9. (U) The December 18 edition of the generally liberal al-Watan, which is based in the western region, published a commentary that the pardon had "lifted the sorrow and worry of the al-Qatif Girl, who has entered our hearts despite her impetuosity and recklessness." He referred to the "harsh verdict," but added that "There is no question that the Kingdom's judiciary is fair and honest." He ended by issuing "a call to every young woman to refrain from allowing herself to be a victim of her ignorance of the true nature of reckless young men."

¶10. (C) COMMENT: Embassy and Consulate Dhahran contacts have hinted at a royal pardon for weeks, and the December 17 pardon was expected. Clearly the pardon was timed to coincide with the first day of the Hajj as millions of Muslims gathered in Mecca. Through this "fatherly gesture," the King exercised his traditional right as monarch to engage in acts of clemency during the most important religious season of the Islamic calendar. The timing of the pardon was well chosen to render it nearly impossible for opponents of the King's decision to criticize him overtly. The Hajj is seen in the Islamic tradition as the season of forgiveness and mercy, when participants in the Hajj pilgrimage pray for forgiveness of their sins while standing on Mt. Arafat, in a ritual meant to prefigure the day of judgment at the end of the world. END COMMENT.

¶11. (U) FULL TEXT OF SAUDI PRESS AGENCY STATEMENT ON THE KING'S PARDON

BEGIN TEXT

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Custodian of the Two Holy Mosques pardons Qatif girl 2
Arafat, Saudi Arabia

Speaking to the Saudi TV (Minister of Justice) Al-Alsheikh quoted the King as saying that the woman was subject to brutal crime, but mistake in pardoning is less than a mistake in punishment, according to Islamic jurists. As no final rule was issued by the court besides that what she received was a tongue-lashing rule, we are allowed to pardon her, the King said, adding that this decision brings about public interest and evades corruption taking into consideration that the woman and her companion were subject to psychological and physical pressures that could be considered enough punishment for them.

Addressing the Minister of Justice, the Monarch ordered the suspension of the suit, the release of the two defendants according to regulation and the continuation of trying the rest of the accused with the most punitive sentence. The King reminded that no mercy for those who dare to violate the Islamic laws and instructions and the state's system and security.

In remarks to the TV, the minister drew the attention to the combination of adhering to Sharia law and parental kindness that were reflected by the royal order.

He denied rumors that the license of Abdulrahman al-Lahem,

the lawyer who pleaded for the defendants, was withdrawn or canceled. No decision was made by the Ministry (of Justice) against the lawyer in this regard, he said.

END TEXT.
FRAKER